

MICHAEL HAMILTON THREADGILL.,

Petitioner,

v.

SHERWOOD McCABE,
Admin., Harnett Correctional Institution,

Respondent.

THIS MATTER is before this Court on Petitioner’s “Declaration in Opposition of [sic] Respondent’s Motion for Summary Judgment”, (Document No. 8) filed on July 25, 2005 in which Petitioner requests additional time to respond to the state’s motion for summary judgment regarding the one-year statute of limitations. By Order filed July 7, 2005, this Court directed Petitioner to respond to the State’s Motion for Summary Judgment within thirty (30) days from the date of the Order. On July 25, 2005 Petitioner filed his response but asked for additional time to secure the legal mail log from Craggy Correctional Center to support his argument that his Petition has been timely filed.

The Court finds that the Petitioner has established good cause for the extension of time to respond to the state's motion for summary judgment on the issue of the timeliness of his petition. Petitioner has thirty (30) days from the date of this Order to file any supplemental response to his Opposition to the State's Motion for Summary Judgment. Petitioner is advised that if he fails to supplement his Opposition to the State's Motion for Summary Judgment in the time specified by

this Order, the Court may rule on the State's Motion without the supplemental response.

THEREFORE, IT IS HEREBY ORDERED (1) that Petitioner's Motion for additional time to respond to the State's Motion for Summary Judgment (request contained in Documents No. 8) is **Granted**; (2) Petitioner has thirty(30) days from the filing of this Order in which to provide any supplement to his Opposition to the State's Motion for Summary Judgment countering the evidence offered by the State's Motion for Summary Judgment. (3) the State shall file a reply to the Petitioner's Opposition and Supplemental Opposition (to the extent Petitioner files a supplement) no later than 30 days from the date Petitioner files a supplement to his opposition or if no such supplement is timely filed and no motion requesting an extension of time to file such supplement has been filed, then the State may file its reply 35 days from the date such supplemental opposition should have been filed.

Signed: August 17, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

